

# Technical Update for Municipal Drinking Water Systems

## Transfer of Review Program

Under the *Safe Drinking Water Act, 2002* (SDWA) and the new Drinking-Water Systems Regulation (O. Reg. 170/03), the establishment of, or alteration to, a municipal residential drinking water system for which approval was required under s.52 of the *Ontario Water Resources Act* (OWRA), instead requires approval under s.31 of the SDWA.

The establishment of, or alteration to, a municipal non-residential or a non-municipal drinking water system for which approval was required under s.52 of the OWRA no longer requires an approval, either under the OWRA or the SDWA.

### Existing Transfer of Review Program

The existing Ministry of the Environment Transfer of Review Program allows municipalities, based on individual agreements with the ministry, to perform a technical review of certain types of approval applications for sewage and water works under the OWRA and prepare approval recommendations. The ministry issues Certificates of Approval for the works based on these recommendations. In most cases, the individual agreements relate to the review of applications for approval of new sewers, watermains and water booster pumping stations.

Under the provisions of the Fees Regulations under the OWRA, municipalities acting as “transfer municipalities” on behalf of the ministry are allowed to retain the entire amount of the application fees which they are required to collect under the same Fees Regulations.

### Transfer of Review Program under the SDWA and O. Reg. 170/03

The SDWA and O. Reg. 170/03 do not affect individual agreements between the ministry and municipalities.

For all classes of drinking water systems subject to the approval requirements\* of the SDWA, under the existing individual agreements, the “transfer municipalities” will continue to review applications for approval of the same types of water works, with the only difference being that the resulting Certificates of Approval will now be issued by MOE under s.36 of the SDWA.

To clarify the intention of the applicability of the requirements of O. Reg. 170/03, the Minister has made O. Reg. 172/03 under subsection 168(1) of SDWA. It stipulates that the “municipal residential” class of drinking water systems includes any drinking water system (including a non-municipal system) or its part intended to serve a “major

\*Under the new Regulation, non-municipal drinking water systems and municipal non-residential drinking water systems will not be subject to the approval requirements of the SDWA.

residential development" (more than five private residences) that is established in accordance with an agreement with the municipality which provides that the ownership of the system is to be transferred to the municipality.

To ensure continued ability of the ministry and the "transfer municipalities" to collect the application fees, the Minister has issued an order under subsection 157(1) of SDWA. It sets out a fees schedule for drinking water system approvals under

the SDWA that is identical with the water works fees schedule in the Fees Regulation under the OWRA.

**For more information contact:**

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